

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MEINEKE CAR CARE CENTERS, INC.,)	CIVIL ACTION NO.
)	3:09-CV-167
Plaintiff,)	
)	
vs.)	ORDER AND PRELIMINARY
)	INJUNCTION
M. LARREA ENTERPRISES, INC. AND)	
MARIO A. LARREA,)	
)	
Defendants.)	

THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgment, or order as the case may be, against Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea; and

IT APPEARING TO THE COURT that the Verified Complaint was filed on April 20, 2009 and Summons issued in this action on April 20, 2009, which Complaint and Summons were served on Defendant Mario A. Larrea on April 28, 2009 and on Defendant M. Larrea Enterprises, Inc. on May 5, 2009; and

IT FURTHER APPEARING TO THE COURT that no answer or other responsive pleading was timely served or filed by Defendants and no extension of time to serve or file such a pleading has been granted and that the time for Defendants to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

IT FURTHER APPEARING TO THE COURT that based on the default of Defendants having been duly entered according to law, and upon the application of Plaintiff in this action, judgment should be entered against Defendants pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default Preliminary Injunction.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

that:

1. Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea cease and refrain from, for a period of one (1) year from the date of compliance with this judgment, directly or indirectly (such as through corporations or other entities owned or controlled by them) owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of Center No. 46 located at 677 Glen Cove Road, Glen Head, NY 11545, or within a radius of six (6) miles of the premises of former Center No. 46 which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Center existing as of the date Defendants' Franchise Agreement terminated which business repairs or replaces exhaust system components, brake system components, or shocks and struts.

2. Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea cease using and/or remove and/or have removed any names, marks, signs, forms, advertising, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which are identified or associated with the Meineke name, logo, marks or trade dress, or which contain a name, logo, mark or trade dress confusingly similar to the Meineke name, logo, marks or trade dress, including, but not limited to the black and yellow signage that lists Meineke's services and the Meineke signs.

3. Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea cease making any representation or statement that Defendants or the business located at 677 Glen Cove Road, Glen Head, NY 11545 is in any way approved, endorsed or licensed by Meineke, or is identified with Meineke in any way.

4. Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea do everything required by the telephone company and Meineke to release or cause the release or transfer to Meineke of the telephone number (516) 676-9100 now being used by Defendants' business located at 677 Glen Cove Road, Glen Head, NY 11545 that has been advertised extensively in conjunction with Meineke's name, logo and Marks.

5. Defendants M. Larrea Enterprises, Inc. and Mario A. Larrea return to Meineke all signs, forms, manuals, supplies, computer software, products, merchandise and all other things and materials of any kind which are identified or associated in the mind of the consuming public with Meineke.

Signed: July 9, 2009



Graham C. Mullen
United States District Judge

